



Senate

General Assembly

File No. 484

January Session, 2017

Substitute Senate Bill No. 995

Senate, April 10, 2017

The Committee on Environment reported through SEN. KENNEDY of the 12th Dist. and SEN. MINER of the 30th Dist., Chairpersons of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING THE REDUCTION OF CERTAIN LAND-BASED MARINE AND FRESHWATER DEBRIS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2017*) (a) No person shall engage in
2 the act of smoking on any beach located in a state park.

3 (b) The Commissioner of Energy and Environmental Protection may
4 enforce the provisions of this section and issue a warning for any first
5 violation of the provisions of this section and establish a fine for any
6 second or subsequent violation of the provisions of this section.

7 (c) For purposes of this section, "smoking" means inhaling, exhaling,
8 burning, carrying or otherwise possessing any lighted cigarette, cigar,
9 pipe or any other object or device of any form that contains lighted
10 tobacco or any other smoking product.

11 Sec. 2. (NEW) (*Effective from passage*) The Recycle CT Foundation,
12 Inc., established pursuant to section 22a-228a of the general statutes,

13 shall undertake efforts to promote public information programs and
14 education activities intended to increase awareness of the problems
15 caused by marine debris such as beverage container caps, beverage
16 containers, cigarette butts, single-use plastic straws and single-use
17 plastic eating utensils, and to decrease the presence of marine debris in
18 the waters of the state and along the shorelines of the state. Such
19 programs and activities may include, but shall not be limited to, the
20 posting of informational signs, in close proximity to such shorelines,
21 that contain educational information concerning ways to decrease the
22 production of marine debris and interactive videos available through
23 the scanning of quick response bar codes that demonstrate the
24 potential effects of marine debris on marine life and the marine habitat
25 and that portray habits, behavior and actions that a person may
26 undertake to minimize or eliminate such person's production of
27 marine debris. Such efforts by the Recycle CT Foundation, Inc. may
28 include, but shall not be limited to, the award of one or more grants,
29 pursuant to section 22a-228a of the general statutes, for the purpose of
30 designing, constructing and erecting such signs and producing such
31 interactive videos.

32 Sec. 3. (NEW) (*Effective from passage*) Each commercial fishing license
33 issued pursuant to chapter 490 of the general statutes shall contain a
34 conspicuous statement with or printed on such license stating that any
35 person who intentionally discards commercial fishing gear, as defined
36 in section 26-1 of the general statutes, or other litter in the waters of the
37 state, on public property of the state or on private property not owned
38 by such person, shall be subject to a fine under section 22a-250 of the
39 general statutes. Nothing in this section shall be construed to prohibit
40 the custom of leaving unused or abandoned commercial fishing gear in
41 the waters of the state for the purpose of providing habitat and growth
42 structures for marine life provided the Commissioner of Energy and
43 Environmental Protection recognizes and approves of such custom.

<p>This act shall take effect as follows and shall amend the following sections:</p>
--

Section 1	<i>July 1, 2017</i>	New section
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	New section

ENV *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note**State Impact:**

Agency Affected	Fund-Effect	FY 18 \$	FY 19 \$
Department of Energy and Environmental Protection	GF - Revenue Gain	Minimal	Minimal

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill (1) prohibits smoking on state park beaches, (2) requires the non-profit Recycle CT Foundation, Inc. to promote certain informational programs, and (3) requires commercial fishing licenses to contain particular information.

The bill may result in a minimal revenue gain, as DEEP is authorized to enforce the smoking prohibition and issue fines.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of violations.

OLR Bill Analysis**sSB 995*****AN ACT CONCERNING THE REDUCTION OF CERTAIN LAND-BASED MARINE AND FRESHWATER DEBRIS.*****SUMMARY**

This bill:

1. prohibits smoking on state park beaches (§ 1);
2. requires Recycle CT Foundation, Inc. to promote public information programs and educational activities to (a) increase awareness of the problems caused by marine debris and (b) decrease marine debris in state waters and on shorelines (§ 2); and
3. requires all commercial fishing licenses to state that anyone who intentionally discards commercial fishing gear or other litter (a) on private property belonging to another person, (b) in state waters, or (c) on state public property will be fined for littering (§ 3).

EFFECTIVE DATE: Upon passage, except the smoking prohibition takes effect on July 1, 2017.

§ 1 – SMOKING PROHIBITION

The bill prohibits smoking on state park beaches. It defines “smoking” as inhaling, exhaling, burning, carrying, or possessing any lighted cigarette, cigar, pipe, or other object or device that contains lighted tobacco or other smoking product.

Under the bill, the energy and environmental protection commissioner may enforce the smoking prohibition. He may issue a warning for a first violation and establish a fine for subsequent

violations.

§ 2 – RECYCLE CT FOUNDATION, INC.

The bill requires Recycle CT Foundation, Inc. (see BACKGROUND) to promote public information programs and educational activities to (1) increase awareness of the problems caused by marine debris and (2) decrease marine debris in state waters and on shorelines. Marine debris includes such items as beverage containers and bottle caps, cigarette butts, and single-use plastic straws and utensils.

Programs and activities may include:

1. informational signs placed near shorelines that explain how to reduce marine debris and
2. interactive videos available through quick response (QR) bar codes that show (a) the potential effects of marine debris on marine life and habitat and (b) actions a person may take to reduce marine debris.

The bill authorizes the foundation to issue grants for entities to produce such signs and videos.

§ 3 – COMMERCIAL FISHING LICENSES

The bill requires all commercial fishing licenses to state that anyone who intentionally discards commercial fishing gear or other litter (1) on private property belonging to another person, (2) in state waters, or (3) on state public property will be fined for littering (see BACKGROUND). The statement must be conspicuous and either accompany, or be printed on, the license.

The bill does not prohibit the custom of leaving commercial fishing gear in state waters to provide habitat and growth structures for marine life, as long as the Department of Energy and Environmental Protection (DEEP) commissioner recognizes and approves of the custom.

BACKGROUND

Recycle CT Foundation, Inc.

Recycle CT Foundation, Inc. is a nonprofit corporation established by state law to promote and coordinate efforts to increase the state's recycling and reuse rate (CGS § 22a-228a).

Littering Law

By law, anyone who litters is subject to a fine of up to \$199 (CGS § 22a-250). Half of the fine must be paid to the state and the other half to the municipality in which the arrest was made, unless the arrest was made by a DEEP conservation officer or patrolman, in which case it is paid to DEEP.

A person who litters on public land must also pay a surcharge equal to half the fine. The surcharge must be paid to the municipality in which the arrest was made, unless the arrest was made by a DEEP conservation officer or patrolman, in which case it is paid to DEEP. "Public land" means a state park or forest, municipal park, or any other publicly owned land open to the public for active or passive recreation.

"Litter" includes any discarded, used, or unconsumed substance or waste material, whether made of aluminum, glass, plastic, rubber, paper, or other natural or synthetic material, or combination thereof, that is not deposited in a litter receptacle (CGS § 22a-248).

Related Bill

sSB 1001, reported favorably by the Environment Committee, contains the same smoking prohibition.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 27 Nay 2 (03/22/2017)